

### **REMARKS/ARGUMENTS**

Claims 1-66 are pending herein, claims 1, 11, 21, 33, 43 and 54 being independent. By the above amendment, claims 1, 2, 4-12 and 14-18 have been amended. Claims 3, 13, and 21-66 have been canceled. Claims 67-84 have been added, claims 67 and 76 being independent. No new matter has been added.

In the pending Final Office Action, the Examiner rejected claims 1-5, 7-15, 17-27 and 29-63 under 35 U.S.C. § 103(a) as allegedly obvious in view of United States Patent No. 5,732,398 (Tagawa), in view of Business Wire “Air France Corrects and Replaces Previous Announcement”, 1/23/96 (“Business Wire”); and claims 6, 16 and 28 under 35 U.S.C. § 103 (a) as obvious over Tagawa in view of Business Wire and further in view of Ong-Yeoh, “Golden Boutique Set to Boost MAS Revenue”, Business Times (Malaysia), 8/26/95 (“Business Times”).

It is respectfully submitted that the invention as now claimed is patentably distinct from the references applied by the Examiner, taken in any combination, and therefore early and favorable action is respectfully solicited.

As a preliminary matter, it is noted that the following description is intended for the Examiner’s assistance and is not intended as a limitation on the scope of the claimed invention, which is measured solely by the claims.

The claimed invention is directed to a methods (claims 1-20) and systems (claims 67-84) for promoting the sales of international travel tickets and duty free items from a single source, in two different, albeit related, ways: by offering specific international travel tickets at prices lower than otherwise available, and also offering a prospective customer a specific duty free item as an incentive to purchase the international travel ticket; or by offering specific duty free items at prices lower than otherwise available, and also offering a prospective customer a specific international

travel ticket as an incentive to buy the duty free item. As claimed, the value of the product offered as an incentive (*i.e.*, the duty free item if the customer is purchasing an international travel ticket, or an international travel ticket if the customer is purchasing a duty free item) is determined as a function of the value of the item purchased (*i.e.*, the international travel ticket or the duty free item, respectively), so that the value of the product offered as an incentive increases as the value of the product purchased increases, thereby spurring greater sales of more expensive products. This feature of the claimed invention (support for which may be found in paragraphs [0024] – [0025] of the specification as published) is neither shown nor suggested in the references applied by the Examiner.

The claims also include a further distinguishing feature of the invention, namely that the consumer has the option of acquiring more expensive “incentive” products by paying an incremental cost over and above the cost of the basic primary product. By way of example, if a consumer wishes to fly from New York to London, and acquire a particular expensive imported watch for which he does not qualify based upon the quoted price of the flight, he may nonetheless acquire the watch by paying a premium for his flight, thereby satisfying the consumer’s desire for a specific travel itinerary, and also for a specific duty free item. This feature of the invention (which is described in the specification, *e.g.*, at para. [0051] of the specification as published) is likewise not shown in the art applied by the Examiner.

Tagawa teaches a kiosk for providing travel related goods and services. A user of the Tagawa kiosk may purchase both international travel tickets and duty free items from different merchants through the kiosk. The Examiner has taken the position that the Tagawa kiosk functions as a “single source” for both international travel tickets and duty free items, rather than as a conduit for purchasing these products from completely different sources. Assuming, for the sake of

argument, that the Examiner's reading of Tagawa is correct, Tagawa fails to teach or suggest the invention as is now set forth in the amended claims. For example, Tagawa does not teach the offering of a first type of product (e.g., a duty free item) as an incentive to purchase a second type of product (e.g. an airline ticket), wherein the value of the first type of product varies as a function of the price of the second type of product. In fact, it would be antithetical to the Tagawa kiosk, which is intended to provide a conduit for the sale of goods by independent merchants, to provide for offering "free" products from one type or group of merchants whose products are not being purchased, since those merchants would not be compensated for sales made of the purchased item from another type or group of merchants. There is therefore no suggestion or impetus to one of ordinary skill in the art to adapt Tagawa so that one merchant who offers goods for sale through the kiosk is compelled to provide free (or discounted) goods to aid an unrelated merchant in making sales of his unrelated products.

The addition of the Business Wire article does not overcome the deficiencies of the Tagawa kiosk.

The Business Wire article describes a promotion by Air France wherein a duty free discount voucher is offered in connection with the sale of international travel tickets at a single price along a specific route: San Francisco – Paris. This article does not describe the provision of a specific duty free item, just a voucher, and also does not teach that the value of the duty free item (or even the voucher) will vary as a function of the cost of the ticket. The price of the international travel ticket could not vary, since it is advertised at one price on one route. Thus, this article, too, fails to teach or suggest the claimed limitation that the value of the "free" item varies based on the price of the purchased item. It is unnecessary to do so, since there is no variety in the price of the purchased item (the single San Francisco to Paris route) to begin with. Similarly, there is no teaching that the

consumer may secure a more “valuable” voucher by paying a premium on the travel ticket, and there would be no impetus for one of ordinary skill in the art to do so, since the value of the voucher is simply a cash discount from the price of an item offered for sale. In fact, one reading the article would conclude that if one ticket is purchased, one voucher will be provided, and if two tickets are purchased, two vouchers would be provided, etc. There is simply no teaching that increasing the cost of the ticket by, for example, \$50.00, would yield a voucher with an incremental value of more than \$50.00.

In contrast, now-amended claim 1 recites the step of "offering to the customer the option of selecting from among at least one additional specific duty free item upon payment of an amount in addition to the offering price" of the specific international travel ticket. In other words, the method of claim 1 allows the customer to pay an additional amount in order to, for example, secure the delivery of a more valuable, or other type of, duty free item as compared to the duty free item included with the offering price of the travel ticket. Likewise, claim 11 recites the step of "offering the customer the option of selecting from among at least one additional specific international travel ticket upon payment of an amount in addition to the specific offering price of the duty free item". These features are also recited in new system claims 67 and 76, respectively.

Because the primary combination upon which the Examiner relies to support her rejection fails to teach or suggest at least these claim limitations, it is believed that the claims as now amended are patentable thereover.

The Business Times article was cited as disclosing a feature of dependent claims 6, 16 and 28, namely that customers may be advised of the manner of delivery of the duty free item, and does not teach or suggest the variance of the value of the “free” item based upon the value of the purchased item or “upgrading” the value of the incentive item.

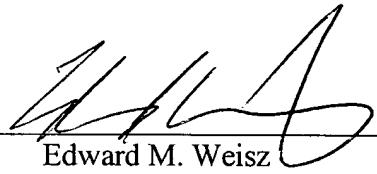
Thus, none of the references applied by the Examiner teach or suggest these features of the claimed invention, and therefore the invention as claimed is patentably distinct from the applied references.

Early and favorable action is therefore respectfully solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By   
Edward M. Weisz  
Reg. No. 37,257  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

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